



(3)

PATENT
Docket No. 373722002600

DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: MICROFLUIDIC CONTROL USING DIELECTRIC PUMPING, the specification of which is attached hereto unless the following box is checked:

was filed on February 28, 2002 as United States Application Serial No.: 10/087,264.

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
PCT/US02/06325	PCT	02/28/2002	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/272,337	02/28/2001
60/360,472	02/27/2002

COPY OF PAPERS
ORIGINALLY FILED

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of

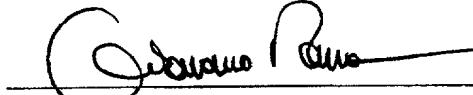
35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

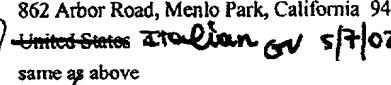
Application Serial No.	Filing Date	Status
10/085,885	02/27/2002	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

5/7/02

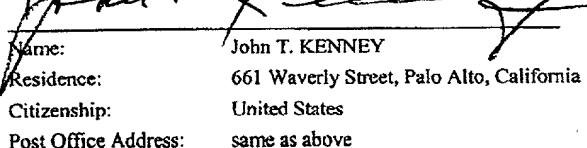
Date



Name: Giacomo VACCA
 Residence: 862 Arbor Road, Menlo Park, California 94025
 Citizenship: United States 
 Post Office Address: same as above

5-8-02

Date



Name: John T. KENNEY
 Residence: 661 Waverly Street, Palo Alto, California 94301
 Citizenship: United States
 Post Office Address: same as above

Date

Name: Dudley A. SAVILLE
 Residence: 244 Dodds Lane, Princeton, New Jersey 08540
 Citizenship: United States
 Post Office Address: same as above



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35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
10/085,885	02/27/2002	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned

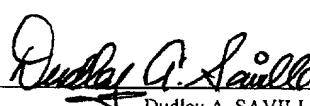
We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date _____

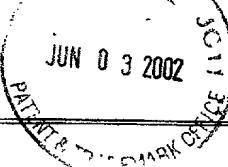
Name:	Giacomo VACCA
Residence:	862 Arbor Road, Menlo Park, California 94025
Citizenship:	United States
Post Office Address:	same as above

Date _____

Name:	John T. KENNEY
Residence:	661 Waverly Street, Palo Alto, California 94301
Citizenship:	United States
Post Office Address:	same as above

5-1-2002 
 Date _____

Name:	Dudley A. SAVILLE
Residence:	244 Dodds Lane, Princeton, New Jersey 08540
Citizenship:	United States
Post Office Address:	same as above



Applicant/Patentee: Giacomo VACCA et al.

Serial No./Patent No.: 10/087,264

Filed on/Issued: February 28, 2002

For: MICROFLUIDIC CONTROL USING DIELECTRIC PUMPING

Docket No 373722002600

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9 AND 1.27 — SMALL BUSINESS CONCERN

I hereby declare that I am

the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Lightwave Microsystems Corporation

ADDRESS OF CONCERN: 2911 Zanker Road, San Jose, California 95134

I hereby declare that the above identified small business concern qualifies as a small business concern pursuant to 37 C.F.R. 1.27 and 13 C.F.R. § 121.802, for purposes of paying reduced fees to the United States Patent and Trademark Office, and the number of employees of the concern, including those of its affiliates, does not exceed 500 persons.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled MICROFLUIDIC CONTROL USING DIELECTRIC PUMPING by inventor(s) Giacomo VACCA, John T. KENNEY, and Dudley A. SAVILLE described in:

the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights in the invention qualify for small entity status, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.27, or a nonprofit organization under 37 C.F.R. § 1.27.

Each person, concern or organization having any rights in the invention is listed below:

no such person, concern, or organization exists.
 each such person, concern or organization is listed below.

NAME	ADDRESS	TYPE
		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

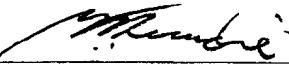
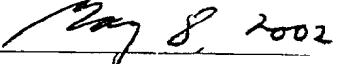
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Martin Lundie

TITLE OF PERSON IF OTHER THAN OWNER: Vice President and CFO

ADDRESS OF PERSON SIGNING: 2911 Zanker Road, San Jose, California 95134

SIGNATURE: DATE: 



PATENT
Docket No. 373722002600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Giacomo VACCA et al.

Serial No.: 10/087,264

Filing Date: February 28, 2002

For: MICROFLUIDIC CONTROL USING
DIELECTRIC PUMPING

Examiner: To Be Assigned

Group Art Unit: 1743

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UNDER 37 C.F.R. § 3.71

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Lightwave Microsystems Corporation, the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Lisa A. Amii (Reg No. 48,199)
 Mehran Arjomand (Reg No. 48,231)
 Erwin J. Basinski (Reg No. 34,773)
 Richard R. Batt (Reg No. 43,485)
 Jonathan Bockman (Reg No. 45,640)
 Barry E. Bretschneider (Reg No. 28,055)
 Nicholas Buffinger (Reg No. 39,124)
 Mark R. Carter (Reg No. 39,131)
 Peng Chen (Reg No. 43,543)
 Thomas Chuang (Reg No. 44,616)
 Cara M. Coburn (Reg No. 46,631)
 Raj S. Davé (Reg No. 42,465)
 David Devernoe (Reg No. P-50,128)
 Stephen C. Durant (Reg No. 31,506)
 Elisabeth M. Everts (Reg No. 50,304)
 David L. Fehrman (Reg No. 28,600)
 Thomas George (Reg No. 45,740)
 Debra J. Glaister (Reg No. 33,888)

Randolph Ted Apple (Reg No. 36,429)
 Laurie A. Axford (Reg No. 35,053)
 Shantanu Basu (Reg No. 43,318)
 Vincent J. Belusko (Reg No. 30,820)
 Kimberly A. Bolin (Reg No. 44,546)
 Tyler S. Brown (Reg No. 36,465)
 A. Randall Camacho (Reg No. 46,595)
 Robert K. Cerpa (Reg No. 39,933)
 Alex Chartove (Reg No. 31,942)
 Thomas E. Ciotti (Reg No. 21,013)
 Matthew M. D'Amore (Reg No. 42,457)
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 Karen B. Dow (Reg No. 29,684)
 Richard R. Eckman (Reg No. 42,504)
 Carolyn A. Favorito (Reg No. 39,183)
 Hector Gallegos (Reg No. 40,614)
 Deborah S. Gladstein (Reg No. 43,636)
 Kenneth R. Glick (Reg No. 28,612)

Bruce D. Grant (Reg No. 47,608)
Douglas G. Hodder (Reg No. 41,840)
Charles D. Holland (Reg No. 35,196)
Arthur S. Hsieh (Reg No. 48,247)
Wayne Jaeschke, Jr. (Reg No. 38,503)
Parisa Jorjani (Reg No. 46,813)
Richard C. Kim (Reg No. 40,046)
Lawrence B. Kong (Reg No. P49,043)
Glenn Kubota (Reg No. 44,197)
Michael J. Mauriel (Reg No. 44,226)
Gladys H. Monroy (Reg No. 32,430)
Kate H. Murashige (Reg No. 29,959)
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Phillip Reilly (Reg No. 41,415)
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Kevin R. Spivak (Reg No. 43,148)
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Michael R. Ward (Reg No. 38,651)
Todd W. Wight (Reg No. 45,218)
Frank Wu (Reg No. 41,386)
Peter J. Yim (Reg No. 44,417)
Karen R. Zachow (Reg No. 46,332)

Johney U. Han (Reg No. 45,565)
Alan S. Hodes (Reg No. 38,185)
Kelvan P. Howard (Reg No. P48,999)
Jill A. Jacobson (Reg No. 40,030)
Madeline I. Johnston (Reg No. 36,174)
Ararat Kapouytian (Reg No. 40,044)
Cameron A. King (Reg No. 41,897)
Kawai Lau (Reg No. 44,461)
Rimas T. Lukas (Reg No. 46,451)
Robert S. McArthur (Reg No. 45,674)
Philip A. Morin (Reg No. P-45,926)
Mabel Ng (Reg No. P48,922)
Catherine M. Polizzi (Reg No. 40,130)
Robert Saltzberg (Reg No. 36,910)
Debra A. Shetka (Reg No. 33,309)
David Smith (Reg No. 39,839)
Stanley H. Thompson (Reg No. 45,160)
Brenda J. Wallach (Reg No. 45,193)
E. Thomas Wheelock (Reg No. 28,825)
Eric Witt (Reg No. 44,408)
David T. Yang (Reg No. 44,415)
George C. Yu (Reg No. 44,418)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (650) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster LLP as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

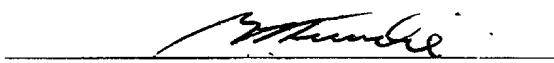
Please direct all written communications relative to this application to:

Charles D. Holland
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018

Please direct all telephone communications to Charles D. Holland at (650) 813-5832.

Lightwave Microsystems Corporation
a Delaware corporation

Dated: May 8, 2002


Name: Martin Lundie
Title: Vice President and CFO
Address: 2911 Zanker Road
San Jose, California 95134